

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Hideki KINUGAWA, et al.

SERIAL NUMBER: NEW U.S. PCT APPLICATION (based on PCT/JP00/02060)

FILED: HERewith

FOR: SHOVEL

**REQUEST FOR CONSIDERATION OF DOCUMENTS**  
**CITED IN INTERNATIONAL SEARCH REPORT**


Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In the matter of the above-identified application for patent, notice is hereby given that applicant(s) request that the Examiner consider the documents cited in the International Search Report according to MPEP §609 and so indicate by a statement in the first Office Action that the information has been considered. When the Form PCT/DO/EO/903 indicates both the search report and copies of the documents are present in the national stage file, there is no requirement for the applicant(s) to submit them (1156 O.G. 91 November 23, 1993).

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Marvin J. Spivak  
Attorney of Record  
Registration No. 24,913  
Surinder Sachar  
Attorney of Record  
Registration No. 34,423



**22850**

(703) 413-3000  
Fax No. (703) 413-2220  
(OSMMN 1/97)

## 国際調査報告

(法8条、法施行規則第40、41条)  
[PCT18条、PCT規則43、44]

出願人又は代理人 の書類記号 P 6 8 0 P C T	今後の手続きについては、国際調査報告の送付通知様式(PCT/ISA/220)及び下記5を参照すること。	
国際出願番号 PCT/JP00/02060	国際出願日 (日.月.年) 31.03.00	優先日 (日.月.年) 31.03.99
出願人(氏名又は名称) コベルコ建機株式会社		

国際調査機関が作成したこの国際調査報告を法施行規則第41条(PCT18条)の規定に従い出願人に送付する。  
この写しは国際事務局にも送付される。

この国際調査報告は、全部で 3 ページである。

☐ この調査報告に引用された先行技術文献の写しも添付されている。

## 1. 国際調査報告の基礎

a. 言語は、下記に示す場合を除くほか、この国際出願がされたものに基づき国際調査を行った。

☐ この国際調査機関に提出された国際出願の翻訳文に基づき国際調査を行った。

b. この国際出願は、ヌクレオチド又はアミノ酸配列を含んでおり、次の配列表に基づき国際調査を行った。

☐ この国際出願に含まれる書面による配列表

☐ この国際出願と共に提出されたフレキシブルディスクによる配列表

☐ 出願後に、この国際調査機関に提出された書面による配列表

☐ 出願後に、この国際調査機関に提出されたフレキシブルディスクによる配列表

☐ 出願後に提出した書面による配列表が出願時における国際出願の開示の範囲を超える事項を含まない旨の陳述書の提出があった。

☐ 書面による配列表に記載した配列とフレキシブルディスクによる配列表に記載した配列が同一である旨の陳述書の提出があった。

2. ☐ 請求の範囲の一部の調査ができない(第I欄参照)。

3. ☐ 発明の単一性が欠如している(第II欄参照)。

4. 発明の名称は ☒ 出願人が提出したものを承認する。

☐ 次に示すように国際調査機関が作成した。

5. 要約は ☒ 出願人が提出したものを承認する。

☐ 第III欄に示されているように、法施行規則第47条(PCT規則38.2(b))の規定により国際調査機関が作成した。出願人は、この国際調査報告の発送の日から1カ月以内にこの国際調査機関に意見を提出することができる。

6. 要約書とともに公表される図は、  
第 3 図とする。 ☒ 出願人が示したとおりである。

☐ なし

☐ 出願人は図を示さなかった。

☐ 本図は発明の特徴を一層よく表している。

## A. 発明の属する分野の分類 (国際特許分類 (IPC))

Int. Cl.<sup>7</sup> E02F9/20, B60K6/02, F15B11/00

## B. 調査を行った分野

調査を行った最小限資料 (国際特許分類 (IPC))

Int. Cl.<sup>7</sup> E02F9/20, B60K6/02, F15B11/00, F02D29/04

最小限資料以外の資料で調査を行った分野に含まれるもの

日本国実用新案公報 1922-1996年  
 日本国公開実用新案公報 1971-2000年  
 日本国登録実用新案公報 1994-2000年  
 日本国実用新案登録公報 1996-2000年

国際調査で使用した電子データベース (データベースの名称、調査に使用した用語)

## C. 関連すると認められる文献

引用文献の カテゴリー*	引用文献名 及び一部の箇所が関連するときは、その関連する箇所の表示	関連する 請求の範囲の番号
X	J P, 10-103112, A (ダイキン工業株式会社) 21. 4月. 1998 (21. 04. 98) 段落番号【0040】-【0076】, 第6図	1, 2, 4, 7
X	段落番号【0040】-【0076】, 第6図, 第9図	3
X	段落番号【0040】-【0076】, 第6図, 第8図	6
Y	段落番号【0040】-【0076】, 第6図 (ファミリーなし)	5

☒ C欄の続きにも文献が列挙されている。☐ パテントファミリーに関する別紙を参照。

## \* 引用文献のカテゴリー

「A」 特に関連のある文献ではなく、一般的技術水準を示すもの  
 「E」 国際出願日前の出願または特許であるが、国際出願日以後に公表されたもの  
 「L」 優先権主張に疑義を提起する文献又は他の文献の発行日若しくは他の特別な理由を確立するために引用する文献 (理由を付す)  
 「O」 口頭による開示、使用、展示等に言及する文献  
 「P」 国際出願日前で、かつ優先権の主張の基礎となる出願

の日の後に公表された文献

「T」 国際出願日又は優先日後に公表された文献であって出願と矛盾するものではなく、発明の原理又は理論の理解のために引用するもの  
 「X」 特に関連のある文献であって、当該文献のみで発明の新規性又は進歩性がないと考えられるもの  
 「Y」 特に関連のある文献であって、当該文献と他の1以上の文献との、当業者にとって自明である組合せによって進歩性がないと考えられるもの  
 「&」 同一パテントファミリー文献

国際調査を完了した日

19. 06. 00

国際調査報告の発送日

04.07.00

国際調査機関の名称及びあて先

日本国特許庁 (ISA/JP)  
 郵便番号100-8915  
 東京都千代田区霞が関三丁目4番3号

特許庁審査官 (権限のある職員)

草野 顕子



2D

2915

電話番号 03-3581-1101 内線 3239

C (続き) . 関連すると認められる文献		
引用文献の カテゴリー*	引用文献名 及び一部の箇所が関連するときは、その関連する箇所の表示	関連する 請求の範囲の番号
Y	J P, 8-60704, A (新キャタピラー三菱株式会社) 5. 3月. 1996 (05. 03. 96) 段落番号【0018】-【0020】, 第1図 (ファミリーなし)	5
A	J P, 10-281263, A (日立建機株式会社) 23. 10月. 1998 (23. 10. 98) 段落番号【0004】, 【0035】, 第1図 (ファミリーなし)	7
A	J P, 10-306466, A (日立建機株式会社) 17. 11月. 1998 (17. 11. 98) 段落番号【0011】-【0014】, 【0044】, 第1図 (ファミリーなし)	7

# INTERNATIONAL COOPERATION TREATY

**PCT**

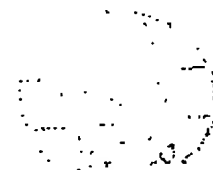
## NOTICE INFORMING THE APPLICANT OF THE COMMUNICATION OF THE INTERNATIONAL APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

From the INTERNATIONAL BUREAU

To:

KOTANI, Etsuji  
Sumisei Naniwasuji Honmachi  
Building  
3-2, Utsubohonmachi 2-chome  
Nishi-ku, Osaka-shi  
Osaka 550-0004  
JAPON



Date of mailing (day/month/year) 05 October 2000 (05.10.00)		
Applicant's or agent's file reference P680PCT		<b>IMPORTANT NOTICE</b>
International application No. PCT/JP00/02060	International filing date (day/month/year) 31 March 2000 (31.03.00)	
Priority date (day/month/year) 31 March 1999 (31.03.99)		
Applicant KOBELCO CONSTRUCTION MACHINERY CO., LTD. et al		

1. Notice is hereby given that the International Bureau has communicated, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this Notice:  
KR,US

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present Notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:  
EP

The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).

3. Enclosed with this Notice is a copy of the international application as published by the International Bureau on  
05 October 2000 (05.10.00) under No. WO 00/58569

### REMINDER REGARDING CHAPTER II (Article 31(2)(a) and Rule 54.2)

If the applicant wishes to postpone entry into the national phase until 30 months (or later in some Offices) from the priority date, a demand for international preliminary examination must be filed with the competent International Preliminary Examining Authority before the expiration of 19 months from the priority date.

It is the applicant's sole responsibility to monitor the 19-month time limit.

Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination.

### REMINDER REGARDING ENTRY INTO THE NATIONAL PHASE (Article 22 or 39(1))

If the applicant wishes to proceed with the international application in the national phase, he must, within 20 months or 30 months, or later in some Offices, perform the acts referred to therein before each designated or elected Office.

For further important information on the time limits and acts to be performed for entering the national phase, see the Annex to Form PCT/IB/301 (Notification of Receipt of Record Copy) and Volume II of the PCT Applicant's Guide.

<p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. (41-22) 740.14.35</p>	<p>Authorized officer J. Zahra</p> <p>Telephone No. (41-22) 338.83.38</p>
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## PATENT COOPERATION TREATY

PCT

NOTIFICATION CONCERNING  
SUBMISSION OR TRANSMITTAL  
OF PRIORITY DOCUMENT

(PCT Administrative Instructions, Section 411)

From the INTERNATIONAL BUREAU

To:

KOTANI, Etsuji  
Sumisei Naniwasuji Honmachi  
Building  
3-2, Utsubohonmachi 2-chome  
Nishi-ku, Osaka-shi  
Osaka 550-0004  
JAPON



Date of mailing (day/month/year) 26 June 2000 (26.06.00)	<b>IMPORTANT NOTIFICATION</b>
Applicant's or agent's file reference P680PCT	
International application No. PCT/JP00/02060	
International publication date (day/month/year) Not yet published	
Applicant KOBELCO CONSTRUCTION MACHINERY CO., LTD. et al	International filing date (day/month/year) 31 March 2000 (31.03.00)  Priority date (day/month/year) 31 March 1999 (31.03.99)

- The applicant is hereby notified of the date of receipt (except where the letters "NR" appear in the right-hand column) by the International Bureau of the priority document(s) relating to the earlier application(s) indicated below. Unless otherwise indicated by an asterisk appearing next to a date of receipt, or by the letters "NR", in the right-hand column, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
- This updates and replaces any previously issued notification concerning submission or transmittal of priority documents.
- An asterisk (\*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b). In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
- The letters "NR" appearing in the right-hand column denote a priority document which was not received by the International Bureau or which the applicant did not request the receiving Office to prepare and transmit to the International Bureau, as provided by Rule 17.1(a) or (b), respectively. In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

<u>Priority date</u>	<u>Priority application No.</u>	<u>Country or regional Office or PCT receiving Office</u>	<u>Date of receipt of priority document</u>
31 Marc 1999 (31.03.99)	11/93178	JP	26 May 2000 (26.05.00)

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Facsimile No. (41-22) 740.14.35

Authorized officer

Tessadel PAMPLIEGA *Tdp*

Telephone No. (41-22) 338.83.38

PCT

NOTIFICATION OF THE RECORDING  
OF A CHANGE

(PCT Rule 92bis.1 and  
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

KOTANI, Etsuji  
Nichimen Building 2nd floor,  
2-2, Nakanoshima 2-chome, Kita-ku  
Osaka-shi, Osaka 530-0005  
JAPON

Date of mailing (day/month/year) 04 December 2000 (04.12.00)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference P680PCT	
International application No. PCT/JP00/02060	International filing date (day/month/year) 31 March 2000 (31.03.00)

1. The following indications appeared on record concerning: <input type="checkbox"/> the applicant <input type="checkbox"/> the inventor <input checked="" type="checkbox"/> the agent <input type="checkbox"/> the common representative		
Name and Address KOTANI, Etsuji Sumisei Naniwasuji Honmachi Building 3-2, Utsubohonmachi 2-chome Nishi-ku, Osaka-shi Osaka 550-0004 Japan	State of Nationality	State of Residence
	Telephone No. 06-6448-0224	
	Facsimile No. 06-6448-0099	
	Teleprinter No.	
2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning: <input type="checkbox"/> the person <input type="checkbox"/> the name <input checked="" type="checkbox"/> the address <input type="checkbox"/> the nationality <input type="checkbox"/> the residence		
Name and Address KOTANI, Etsuji Nichimen Building 2nd floor, 2-2, Nakanoshima 2-chome, Kita-ku Osaka-shi, Osaka 530-0005 Japan	State of Nationality	State of Residence
	Telephone No. 06-6233-1456	
	Facsimile No. 06-6233-1471	
	Teleprinter No.	
3. Further observations, if necessary:		
4. A copy of this notification has been sent to: <input checked="" type="checkbox"/> the receiving Office <input checked="" type="checkbox"/> the designated Offices concerned <input type="checkbox"/> the International Searching Authority <input type="checkbox"/> the elected Offices concerned <input type="checkbox"/> the International Preliminary Examining Authority <input type="checkbox"/> other:		

TO 3600 MAIL ROOM

RECEIVED

JUN 13 2001

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Sean Taylor Telephone No.: (41-22) 338.83.38
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**PCT**

From the INTERNATIONAL BUREAU

**NOTIFICATION OF THE RECORDING  
 OF A CHANGE**

(PCT Rule 92bis.1 and  
 Administrative Instructions, Section 422)

To:

KOTANI, Etsuji  
 Nichimen Building 2nd floor,  
 2-2, Nakanoshima 2-chome, Kita-ku  
 Osaka-shi, Osaka 530-0005  
 JAPON

<b>Date of mailing (day/month/year)</b> 06 July 2001 (06.07.01)	<b>IMPORTANT NOTIFICATION</b>
<b>Applicant's or agent's file reference</b> P680PCT	
<b>International application No.</b> PCT/JP00/02060	<b>International filing date (day/month/year)</b> 31 March 2000 (31.03.00)

<b>1. The following indications appeared on record concerning:</b> <input type="checkbox"/> the applicant <input type="checkbox"/> the inventor <input checked="" type="checkbox"/> the agent <input type="checkbox"/> the common representative		
<b>Name and Address</b> 1) KOTANI, Etsuji 2) UEKI, Kyuichi 3) MURAMATSU, Toshiro Sumisei Naniwasuji Honmachi Building 3-2, Utsubohonmachi 2-chome Nishi-ku, Osaka-shi Osaka 550-0004 Japan	<b>State of Nationality</b>	<b>State of Residence</b>
	<b>Telephone No.</b> 06-6448-0224	
	<b>Facsimile No.</b> 06-6448-0099	
	<b>Teleprinter No.</b>	
<b>2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:</b> <input type="checkbox"/> the person <input type="checkbox"/> the name <input checked="" type="checkbox"/> the address <input type="checkbox"/> the nationality <input type="checkbox"/> the residence		
<b>Name and Address</b> Nichimen Building 2nd floor, 2-2, Nakanoshima 2-chome, Kita-ku Osaka-shi, Osaka 530-0005 Japan	<b>State of Nationality</b>	<b>State of Residence</b>
	<b>Telephone No.</b> 06-6233-1456	
	<b>Facsimile No.</b> 06-6233-1471	
	<b>Teleprinter No.</b>	
<b>3. Further observations, if necessary:</b>		
<b>4. A copy of this notification has been sent to:</b> <input checked="" type="checkbox"/> the receiving Office <input checked="" type="checkbox"/> the designated Offices concerned <input type="checkbox"/> the International Searching Authority <input type="checkbox"/> the elected Offices concerned <input type="checkbox"/> the International Preliminary Examining Authority <input type="checkbox"/> other:		

<b>The International Bureau of WIPO</b> 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	<b>Authorized officer</b> Masashi HONDA Telephone No.: (41-22) 338.83.38
--	--



## PATENT COOPERATION TREATY

PCT

NOTIFICATION OF THE RECORDING  
OF A CHANGE(PCT Rule 92bis.1 and  
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

KOTANI, Etsuji  
Nichimen Building 2nd floor,  
2-2, Nakanoshima 2-chome, Kita-ku  
Osaka-shi, Osaka 530-0005  
JAPON

RECEIVED

JUL 03 2001

Date of mailing (day/month/year) 04 December 2000 (04.12.00)	IMPORTANT NOTIFICATION TO 360 MAIL ROOM
Applicant's or agent's file reference P680PCT	
International application No. PCT/JP00/02060	International filing date (day/month/year) 31 March 2000 (31.03.00)

## 1. The following indications appeared on record concerning:

☐ the applicant    ☐ the inventor    ☒ the agent    ☐ the common representative

## Name and Address

KOTANI, Etsuji  
Sumisei Naniwasuji Honmachi  
Building  
3-2, Usubohonmachi 2-chome  
Nishi-ku, Osaka-shi  
Osaka 550-0004  
Japan

## State of Nationality

## State of Residence

## Telephone No.

06-6448-0224

## Facsimile No.

06-6448-0099

## Teleprinter No.

## 2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

☐ the person    ☐ the name    ☒ the address    ☐ the nationality    ☐ the residence

## Name and Address

KOTANI, Etsuji  
Nichimen Building 2nd floor,  
2-2, Nakanoshima 2-chome, Kita-ku  
Osaka-shi, Osaka 530-0005  
Japan

## State of Nationality

## State of Residence

## Telephone No.

06-6233-1456

## Facsimile No.

06-6233-1471

## Teleprinter No.

## 3. Further observations, if necessary:

## 4. A copy of this notification has been sent to:

<input checked="" type="checkbox"/> the receiving Office	<input checked="" type="checkbox"/> the designated Offices concerned
<input type="checkbox"/> the International Searching Authority	<input type="checkbox"/> the elected Offices concerned
<input type="checkbox"/> the International Preliminary Examining Authority	<input type="checkbox"/> other:

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

## Authorized officer

Sean Taylor

Telephone No.: (41-22) 338.83.38